

RESNICK & LOUIS, P.C

Athanasia Dalacas, Esq., Bar No. 9390

adalacas@rlattorneys.com

8925 W. Russell Road, Suite 220

Las Vegas, NV 89148

Telephone: (702) 997-3800

Facsimile: (702) 997-3800

Attorneys for Defendant New York Marine and General Insurance Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAS VEGAS 360, LLC

Plaintiff,

v.

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY., et al.,

Defendants.

Case No. 2:18-cv-01333-JAD-EJY

**STIPULATION AND ORDER TO STAY
SCHEDULING ORDER DEADLINES
(FIRST REQUEST)**

DEFENDANT NEW YORK MARINE AND GENERAL INSURANCE COMPANY
and PLAINTIFF LAS VEGAS 360, by and through counsel undersigned, respectfully submit the
following stipulation requesting a sixty (60) day stay of all case deadlines in order to allow for
continued settlement efforts and a formal mediation with an agreed upon Mediator.

I. INTRODUCTION.

This case is a dispute arising out of allegations of bad faith in the adjustment of certain
property claims. On December 12, 2018, the Early Case Conference was held with all parties
present. The Joint Case Conference Report was filed on January 10, 2019, permitting the parties
to begin discovery. A discovery plan and scheduling order was entered on May 22, 2019. On
September 17, 2019, a Stipulation and Order to Extend Certain Scheduling Order Deadlines
(First Request) was entered.

1 **II. DISCOVERY STATUS.**

2 Pursuant to the September 17, 2019 Stipulation and Order to Extend Certain Scheduling
3 Order Deadlines (First Request), the following deadlines are in effect:

4

<u>Event</u>	<u>Current Date</u>
Discovery Cutoff	January 20, 2019
Initial Expert Disclosures	November 18, 2019
Last Day to File Interim Status Report	November 18, 2019
Rebuttal Expert Disclosures	December 18, 2019
Last Day to File Dispositive Motions	February 18, 2019
Last Day to File Pretrial Order	March 20, 2020

8

9 **III. DISCOVERY THAT HAS BEEN COMPLETED.**

- 10 1. Defendant served its Initial Rule 26(A)(1) Disclosure Statement on July 1, 2019;
- 11 2. Defendant served Interrogatories and Requests for Production of Documents upon
12 Plaintiff on July 12, 2019;
- 13 3. Plaintiff severed its Initial Rule 26(A)(1) Disclosure Statement on August 14, 2019; and
- 14 4. Plaintiff served its answers to the interrogatories on September 10, 2019 and Defendant
15 has still not yet served any answers to Plaintiff's Requests for Production of Documents;
- 16

17 **IV. DISCOVERY THAT REMAINS.**

18 Defendant anticipates that at least eight (8) fact witness depositions will likely be
19 necessary and expert witness depositions may also be necessary. Defendant also believes that
20 additional written discovery must be conducted with respect to Plaintiff's Amended Complaint,
21 information provided by Plaintiff in its initial disclosure and Plaintiff's recent answers to written
22 discovery.
23

24 **V. REASON WHY STAY IS REQUESTED**

25 The parties are presently engaging in settlement discussions and believe it would be
26 beneficial to the resolution efforts to stay the pending case deadlines, including expert discovery,
27
28

1 in order to focus all resources and efforts on settlement discussions. The parties have agreed to
2 participate in formal Mediation with a mutually approved Mediator. Because the deadlines in
3 this matter are very close in time, however, a stay of the any the deadlines will have a material
4 impact on the operative schedule. As such, the parties acknowledge that all deadlines will need
5 to be extended by the same amount of time as the requested stay.

6 **VI. PROPOSED SCHEDULE.**

7
8 No trial date or other hearings are currently set for this matter and extension of these
9 deadlines will not disturb the Court's calendar. This is the parties' first request for a stay of the
10 deadlines. However, due to the proximity of the case deadlines, the requested stay would
11 effectively cause an extension of the case deadlines. Good cause exists for this stay and all
12 parties have agreed to it.

13

<u>Event</u>	<u>Current Date</u>	<u>New Date Due to The Effect of The Stay</u>
Discovery Cutoff	January 20, 2019	March 20, 2020
Initial Expert Disclosures	November 18, 2019	January 21, 2020
Last Day to File Interim Status Report	November 18, 2019	January 21, 2020
Rebuttal Expert Disclosures	December 18, 2019	February 21, 2020
Last Day to File Dispositive Motions	February 18, 2019	April 20, 2020
Last Day to File Pretrial Order	March 20, 2020	May 18, 2020

14
15
16
17
18

19 DATED this 13th day of November, 2019.

20 **RESNICK & LOUIS, P.C.**

21 By: /s/ Athanasia Dalacas
22 ATHANASIA DALACAS, ESQ.
23 Nevada Bar No. 9390
24 8925 W. Russell Road, Suite 220
25 Las Vegas, NV 89148
26 *Attorneys for Defendant New York*
27 *Marine and General Insurance Company*

28 -and-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COHEN|JOHNSON|PARKER|EDWARDS
(with permission)

By: /s/James L. Edwards, Esq.
JAMES L. EDWARDS, ESQ.
Nevada Bar No. 04256
375 E. Warm Springs Road, Suite 104
Las Vegas, Nevada 89119
Attorneys for Plaintiff

ORDER

Upon stipulation by counsel for the parties, and good cause appearing therefore,
IT IS HEREBY ORDERED that all current case dates in this matter be extended. The
following new scheduling order dates shall apply:

<u>Event</u>	<u>Date</u>
Discovery Cutoff	March 20, 2020
Initial Expert Disclosures	January 21, 2020
Last Day to File Interim Status Report	January 21, 2020
Rebuttal Expert Disclosures	February 21, 2020
Last Day to File Dispositive Motions	April 20, 2020
Last Day to File Pretrial Order	May 18, 2020

IT IS SO ORDERED.

November 18, 2019
DATED


UNITED STATES MAGISTRATE JUDGE